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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**STIPULATION FOR AMENDMENT
OF PROOF OF CLAIM NUMBER
10725-00329 FILED BY RUTH AND/
OR ROBERT GEIGER**

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

1 The USACM Liquidating Trust (the "USACM Trust") and USA Capital Diversified
2 Trust Deed Fund, LLC ("DTDF") hereby stipulate with Ruth and/or Robert Geiger
3 ("Claimants") as follows:

4 1. On or about September 26, 2006, Claimants filed Proof of Claim No. 10725-
5 00329 against USA Commercial Mortgage Company in the amount of \$75,000.00 (the
6 "Claim").

7 2. Claimants provided documentation attached to the Proof of Claim that Claim
8 10725-00557 is, in part, an investment in DTDF and, in part, an investment in various
9 loans as a Direct Lender.

10 3. DTDF, upon reviewing DTDF's books and records, has determined that
11 Claimants in fact hold an allowed equity security interest in DTDF in the amount of
12 \$26,461.76, as of April 13, 2006 (the "Petition Date").

13 4. On September 14, 2007, the USACM Trust and DTDF jointly filed an
14 "Objection of USACM Trust To Ruth and/or Robert Geiger's Claim Filed in Wrong
15 Debtor's Case; Objection of DTDF to Proposed Allowance of Claim" [Docket No. 4797]
16 (the "Objection"), requesting that Claim No. 10725-00329 be disallowed in its entirety in
17 the USA Commercial Mortgage ("USACM") bankruptcy case due to the Claim having
18 been erroneously filed in the USA Commercial Mortgage Company case when the Claim
19 is based upon an equity interest in DTDF.

20 5. On October 3, 2007, Claimants timely filed a Response to the Objection
21 reiterating their investments in "USA Capital" totaling \$75,000.00.

22 6. After reviewing the Response, the USACM Trust agreed to withdraw at this
23 time its objection to the amount of the Claim that is in excess of the Claimants' equity
24 interest in DTDF, or \$48,238.24, without prejudice to the USACM Trust's right to later
25 object to such amount.
26

7. This stipulation shall not affect any other claims filed by Claimants in these jointly-administered bankruptcy proceedings.

8. This stipulation shall not affect either the amount or validity of Claimants' equity interest in DTDF as reflected in DTDF's books and records as of the Petition Date.

WHEREFORE, based on the stipulation set forth above, the parties hereby agree and request that the Court approve this stipulation as an order of the Court pursuant to Fed. R. Bankr. P. 3006, as follows:

1. Proof of Claim No. 10725-00329 is hereby amended to \$48,238.24.

2. Proof of Claim No. 10725-00329 is hereby disallowed as against DTDF.

3. Claimants' equity interest in DTDF is allowed in the amount of \$26,461.76, as reflected in DTDF's books and records as of the Petition Date.

4. The USACM Trust reserves all of its rights to object to Proof of Claim No. 10725-00329 in the amended amount of \$48,238.24.

5. The hearing on the Objection to Claim No. 10725-00329 scheduled for October 15, 2007, may be vacated.

DATED: October 12, 2007.

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